UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,165	07/11/2003	Gregory Smith	BEAS-01365US0	6762

23910 7590 03/13/2007		EXAMINER
FLIESLER MEYER LLP		KIM, PAUL
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SAN FRANCISCO, CA 94108	2161	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 January 2007</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-8,10,29-35 and 37-45* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3-8, 10, 29-35, 37-45* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/9/07, 2/14/07</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to the following communication: Request for Continued Examination filed on 8 January 2007.

2.   Claims 1, 3-8, 10, 29-35, and 37-45 are pending and present for examination. Claims 1, 29, and 38 are independent.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8 January 2007 has been entered.

Response to Amendment

4.   Claims 1, 7, 10, 29-30, 32-34, and 37 have been amended.

5.   Claims 9, 11-28, and 36 have been cancelled.

6.   Claims 38-45 have been added.

Information Disclosure Statement

7.   The information disclosure statements (IDS) submitted on 9 January 2007 and 14 February 2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

9.   **Claims 30-35 and 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. The aforementioned claims are directed to a method of claim 29 wherein claim 29 recites "[a]

computer readable medium" in the preamble of the claim. For the purposes of this examination, it is

assumed that Applicant intended claims 30-35 and 37 to read as "computer readable medium" claims.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another
> who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the
> invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA)

and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when

the reference is a U.S. patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e)

prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11.   **Claims 1, 3, 5, 7-8, 10, 29-30, 32, 34-35, 37-39, 41, 43-45** are rejected under 35

U.S.C. 102(e) as being anticipated by Park et al (USPGPUB 2004/0024812, hereinafter referred to as

PARK), filed on 5 November 2001.

12.   **As per independent claims 1, 29, and 38,** PARK teaches:

A method of searching a plurality of content repositories, comprising:

providing for the representation of the plurality of content repositories as a virtual content repository (VCR) {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"} that includes a content model {See PARK, Para. [0059], wherein this reads over "a container document object model (DOM) object"},

the content model including a set of content nodes and a set of hierarchy of nodes {See PARK, Para. [0041], wherein this reads over "The containers 74 are stored in a directory 72 having a hierarchical structure, and the directory 72 may include one or more sub-directories"} such that a content node is created for each of the plurality of content repositories {See PARK, Para. 0074, wherein this reads over "all containers can be discriminately identified" and "the node of a content can be searched in a container DOM object, at which the content is positioned, based on an element name and a unique number"},

each content node is associated with its own content schema {See PARK, Para. 0054, wherein this reads over "[t]he converter object repository 90 stores Extensible Stylesheet Language (XSL) rules for converting XML provided from the containers 74 in the content repository 70 into a predetermined output format."},

a hierarchy node is created for different types of content available in the plurality of content repositories {See PARK, Para. 0074, wherein this reads over "content in each container can be discriminated from each other"},

each hierarchy node is associated with one or more of the plurality of content nodes {See PARK, Para. [0041], wherein this reads over "The containers 74 are stored in a directory 72 having a hierarchical structure, and the directory 72 may include one or more sub-directories"}, and

each hierarchy node is associated with its own hierarchy schema {See PARK, Para. 0054, wherein this reads over "[t]he converter object repository 90 stores XSL rules for separately converting the two types of XML"};

searching the VCR for information that satisfies a search expression {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"};

providing search results {See PARK, Para. 0035, wherein this reads over "such services can use data from any data source to provide the data to a user and transmit published data to the users terminals regardless of the type of the users terminal and a document format used in the users terminal"};

wherein each one of the plurality of content repositories implements a service provider interface (SPI) that integrates the corresponding content repository into the VCR and such that each SPI interfaces between the VCR and the corresponding content repositories {See PARK, Para. [0069], wherein this reads over "the content producer can use the content manipulation API 51 in the service publication server"}.

13. **As per dependent claims 3, 30, and 39,** PARK teaches:

The method of claim 1 wherein searching the VCR includes: searching each of the plurality of content repositories {See PARK, Para. 0031, wherein this reads over "the service publication server 4 may be provided with a data filtering function of extracting only data satisfying the search conditions in accordance with a given users request and a function of integrating data from a plurality of data sources in a unified format"}.

14. **As per dependent claims 5, 32, and 41,** PARK teaches:

The method of claim 1 wherein providing search results includes: combining the results of searching each one of the plurality of content repositories {See PARK, Para. 0031, wherein this reads over "the service publication server 4 may be provided with a data filtering function of extracting only data satisfying the search conditions in accordance with a given users request and a function of integrating data from a plurality of data sources in a unified format"}.

15. **As per dependent claims 7, 34, and 43,** PARK teaches:

The method of claim 1 wherein providing for the representation of the plurality of content repositories as a VCR includes: extending the content model to store information about the content model in the plurality of content repositories {See PARK, Para. 0074, wherein this reads over "[e]ach container is identified by a directory path 160 in a repository storing the container and its author name"}.

16. **As per dependent claims 8, 35, and 44,** PARK teaches:

The method of claim 7 wherein: the content model provides a uniform representation of content for the plurality of content repositories {See PARK, Para. [0059], wherein this reads over "a container document object model (DOM) object"}.

17. **As per dependent claims 10, 37, and 45,** PARK teaches:

The method of claim 1 wherein searching the VCR for information includes:

searching one or more of the content nodes, the content nodes schemas, the hierarchy nodes, and the hierarchy node schemas {See PARK, Para. [0035], wherein this reads over "an integrate search service for integrating data from various data sources and allowing for search based on search conditions"}.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19.   **Claims 4, 6, 31, 33, 40, and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over PARK, in view of Official Notice.

20.   **As per dependent claims 4, 31, and 40,** the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the search expression include at least one of a logical expression, a Boolean operator, a nested expression, an object name, a function/method call, a mathematical function, a mathematical operator, a string operator, an image operator, and Structured Query Language (SQL).

21.   **As per dependent claims 6, 33, and 42,** the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made to cache the search results such that frequently returned search results may be stored for fast access to the user.

Response to Arguments

22.   Applicant's arguments with respect to claims 1, 3-8, 10-17, 29-35, and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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